



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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DISCUSSION PAPER ON REVIEW OF NSW RETAIL LEASES ACT RELEASED

The NSW Government has [released](#) a [Discussion Paper](#) for a review of the NSW *Retail Leases Act*. Most of the 'usual suspects' (end of lease, restrictions on turnover information, land tax recovery etc.) have been rehashed in the Discussion Paper, even though these have been debated endlessly over the last decade. Little evidence is provided for deciding whether issues justify further regulation (e.g. "A number of stakeholders have expressed concerns..." How many? What proportion of leases?). Legislation by anecdote has unfortunately been a feature of the NSW *Retail Leases Act*. The last review in NSW – on the basis of anecdotes only, not evidence – over-regulated the use of cash security deposits from tenants and this regulation now takes up 27 sections in the Act. This has had two significant consequences. First, the vast majority of lessees, whose security deposits were never at risk, now receive virtually no interest on their security bond. Second, many landlords now insist on bank guarantees to avoid this regulatory nightmare. The Discussion Paper now raises the possibility of regulating bank guarantees as well. Some lessons are never learned! Not surprisingly, given the NSW Government is now a major financial beneficiary of the Retail Bond Scheme, this is not listed for discussion in the Paper.

Disappointingly the Paper and the Minister's media release pay little attention to opportunities for removing regulation. The NSW *Retail Leases Act* has grown four-fold (in numbers of pages and sections) in the two decades of its existence, resulting in a substantial increase in administration and compliance costs for both landlords and retailers. By contrast, during the current Review of the Queensland *Retail Shop Leases Act*, the Attorney-General, Jarrod Bleijie, personally addressed members of the Working Group and told them he wanted to see significant removal of unnecessary and costly business regulation. This is quite a contrast in government objectives.

NSW PLANNING BILL IN LIMBO AFTER LEGISLATIVE COUNCIL AMENDMENTS

The [Planning Bill 2013](#) has passed the NSW Legislative Council but has been so compromised by [amendments](#) forced by the Labor Opposition and the minor parties in the Upper House that the NSW Government has refused to accept the amended Bill in the Lower House ([Shop Talk 1/11/13](#) & [24/10/13](#)). Labor has [boasted](#) that it successfully moved 46 amendments to the Bill, making a farce of the extensive consultation process prior to the Bill being introduced into Parliament in October. The NSW Government yesterday refused to bring on a vote on the amended Bill in the Legislative Assembly and the Planning Minister, Brad Hazzard, [said](#) the Government would let the Bill lie until the Legislative Assembly resumes in late February 2014. Mr Hazzard has promised "further consultation" before determining what action the Government will take on the amended Bill.

SHOPPING CENTRE NEWS 'LITTLE GUNS' 2013 ISSUE NOW AVAILABLE

The latest issue of *SCN (Shopping Centre News)* is now available. This issue contains a ranking of 101 shopping centres between 20,000 m² GLA and 50,000 m² GLA, according to MAT and MAT per square metre. This issue also includes an analysis by the Shopping Centre Council of the Federal Government's proposed unfair contracts law in the context of shopping centre leases. Subscriptions can be made via *SCN's* website [here](#).

QUEENSLAND AND WA SHOPPING CENTRE DIRECTORIES 2013 NOW AVAILABLE

The Property Council has now released the Queensland and Western Australian Shopping Centre Directories for 2013. These directories include detailed information on ownership, management, tenants and other key details. Click [here](#) to purchase the WA directory and [here](#) to purchase the Queensland directory.